

**WARRANT FOR
ANNUAL TOWN MEETING
AND
SPECIAL TOWN MEETING**

ELECTION

Saturday, April 4, 2009



**ANNUAL TOWN MEETING
Monday, April 27, 2009**

**SPECIAL TOWN MEETING
Monday, April 27, 2009**

TOWN OF ARLINGTON

TOWN WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss.

To the Constables of the Town of Arlington, in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Arlington qualified to vote in elections, to meet at the polling places designated for the several Precincts in said Town on

SATURDAY
THE FOURTH OF APRIL 2009

at eight o'clock in the forenoon, to act on the following articles, namely:

ARTICLE 1 TO ELECT BY BALLOT:

- A) Two Selectman for three years
- B) One Assessor for three years
- C) Two School Committee Members for three years
- D) One Member of the Arlington Housing Authority for five years

Also, in accordance with the provisions of Chapter 43A of the General Laws, the number of Town Meeting Members hereinafter specified:

PRECINCT 1 -	Four for three years; One for two years; One for one year.
PRECINCT 2 -	Four for three years;
PRECINCT 3 -	Four for three years;
PRECINCT 4 -	Four for three years; One for one year.
PRECINCT 5 -	Four for three years; Two for two years.
PRECINCT 6 -	Four for three years; Three for two years.
PRECINCT 7 -	Four for three years; One for one year.
PRECINCT 8 -	Four for three years;
PRECINCT 9 -	Four for three years;
PRECINCT 10 -	Four for three years;
PRECINCT 11 -	Four for three years;
PRECINCT 12 -	Four for three years;
PRECINCT 13 -	Four for three years;
PRECINCT 14 -	Four for three years; One for one year.
PRECINCT 15 -	Four for three years;
PRECINCT 16 -	Four for three years;
PRECINCT 17 -	Four for three years; One for two years.
PRECINCT 18 -	Four for three years;
PRECINCT 19 -	Four for three years;
PRECINCT 20 -	Four for three years;
PRECINCT 21 -	Four for three years.

For these purposes, the polls will be opened at eight o'clock A.M. and remain open until eight o'clock P.M., at each of the polling places designated, viz.:

- Precinct 1 Thompson School, entrance on North Union Street
- Precinct 2 Hardy School, entrance on Brooks Avenue
- Precinct 3 Thompson School, entrance on North Union Street
- Precinct 4 Hardy School, entrance on Brooks Avenue
- Precinct 5 Thompson School, entrance on North Union Street
- Precinct 6 Hardy School, entrance on Brooks Avenue
- Precinct 7 Chestnut Manor, entrance on Chestnut Terrace
- Precinct 8 Town Hall, entrance on Massachusetts Avenue
- Precinct 9 Chestnut Manor, entrance on Chestnut Terrace
- Precinct 10 Town Hall, entrance on Massachusetts Avenue
- Precinct 11 Bishop School, entrance on Stowecroft Road
- Precinct 12 Brackett School, entrance on Eastern Avenue
- Precinct 13 Stratton School, entrance on Mountain Avenue
- Precinct 14 Brackett School, entrance on Eastern Avenue
- Precinct 15 Stratton School, entrance on Mountain Avenue
- Precinct 16 Dallin School, entrance on Florence Avenue
- Precinct 17 Stratton School, entrance on Mountain Avenue
- Precinct 18 Dallin School, entrance on Florence Avenue
- Precinct 19 Peirce School, entrance on Newland Road
- Precinct 20 Park Avenue Congregational Church, entrance on Paul Revere Road
- Precinct 21 Peirce School, entrance on Newland Road

You are also required to notify and warn the said inhabitants to meet at the Town Hall in said Town on Monday the 27th day of April, 2009, at eight o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members, in accordance with and subject to the referenda provided for by Chapter 43A of the General Laws.

ARTICLE 2

REPORTS OF COMMITTEES

To receive, hear, and act upon the reports of the Board of Selectmen, Finance Committee, Redevelopment Board, and other committees, commissions, and boards heretofore appointed, including, without limitation: Permanent Town Building Committee (April 23, 1969), Vision 2020 Standing Committee (June 8, 1992), Commission on Disability (May 3, 1993), School Facilities "Working Group" (May 4, 1994), Bylaw Recodification Study Committee (May 9, 1994), Noise Abatement Study Committee (May 11, 1998), Affordable Housing Task Force (May 3, 1999), Zoning Bylaw Review Committee (May 12, 1999), Uncle Sam Committee (May 17, 1999), Fields and Playgrounds Task Force (May 19, 1999), Maintenance Study Committee (May 1, 2000), Alewife Brook Advisory Committee (May 15, 2000), Newsracks Study Committee (May 9, 2001), Community Preservation Act Study Committee (May 21, 2001), Symmes Advisory Committee (May 21, 2001), Power Company Feasibility Committee (May 6, 2002), Community-Based Health Insurance Study Committee (April 30, 2003), Tree Committee (May 7, 2003), Post-Employment Medical Benefits Committee (May 17, 2004), Trust Fund Policies Committee (May 17, 2004), Information Technology Advisory Committee (May 17, 2004), Field Maintenance and Users Fee Study Committee (May 26, 2004), Symmes Neighborhood Advisory Committee (September 27, 2004), Private Way Procedures Committee (May 18, 2005), Symmes Neighborhood Committee (May 18, 2005), 200th Anniversary Committee (May 18, 2005), and Explore Options for

(Inserted at the request of the Town Moderator)

(Inserted by the Board of Selectmen)

(Inserted at the request of the Town Moderator)

(Inserted at the request of the Redevelopment Board)

(Inserted at the request of the Redevelopment Board)

(Inserted at the request of the Redevelopment Board)

to the public interest.”; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 9 ZONING BYLAW AMENDMENT/ARTICLE 2 SECTION 2.01

To see if the Town will vote to amend the Zoning Bylaw in Article 2, Section 2.01 by adding after the definition for “Family” a new definition as follows, “Facade: The full exterior face of a building as illustrated in an architect’s elevation.”; and in Article 11, Section 11.06(b)(1) in the first sentence by inserting directly after the words, “or a change in use,” the words “or appearance”; or take any other action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 10 ZONING BYLAW AMENDMENT/ARTICLE 9 SECTION 9.02(d)

To see if the Town will vote to amend the Zoning Bylaw in Article 9, Section 9.02(d) in the first sentence by deleting the words, “The alteration of any single or two-family structure which is not otherwise permitted as a matter of right by the above paragraphs in this section 9.02(d), may be allowed providing that no such alteration shall be permitted”, and by inserting in place thereof the words, “The extension of an exterior wall of a single or two family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing that the extension creates no new nonconformities, nor increases any open space nonconformities, and that no such extension shall be permitted unless”; and, later in the same sentence by deleting the word, “alteration”, and inserting in place thereof the word, “extension”; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 11 ZONING BYLAW AMENDMENT/KEEPING OF HENS

To see if the Town will vote to amend the Zoning Bylaw in Article 5, Section 5.04, Table of Use Regulations, by adding a new use numbered 3.03 immediately after use 3.02 as follows, “3.03 Keeping of no more than six hen chickens (as opposed to roosters) for egg-laying, pet, or other purposes.” and by adding the words “Yes” in the columns headed R0, R1, and R2, immediately thereafter; or take any action related thereto.

(Inserted at the request of Pam Callaway and 10 registered voters)

ARTICLE 12 BYLAW AMENDMENT/KEEPING OF HENS/POULTRY

To see if the Town will vote to amend Title VIII, Public Health and Safety, of the Bylaws by inserting an article to regulate the keeping of poultry in any area in which the keeping of poultry may be permitted under the Zoning Bylaws, including but not limited to imposing housing and vaccination requirements, determine penalties for violation thereof, or take any action related thereto.

(Inserted at the request of Pam Callaway and 10 registered voters)

ARTICLE 13 BYLAW AMENDMENT/DOOR-TO-DOOR SOLICITORS

To see if the Town will vote to amend Section 4 (“Beggars, Solicitors and Peddlers”) of Article 1 of Title VIII of the Bylaws to bring that section into compliance with constitutional rulings of the Supreme Court of the United States and to make the Bylaw more useful to local law enforcement, to determine penalties for violation thereof, or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 14**BYLAW AMENDMENT/MOBILE FOOD VENDORS**

To see if the Town will vote to amend Article 3 (“Public Health Regulations”) of Title VIII (“Public Health and Safety”) of the Bylaws to insert a new section imposing health and safety requirements on the operation of mobile food vendors, to determine penalties for violation thereof, or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 15**BYLAW AMENDMENT/DEMAND FEE UNPAID TAXES**

To see if the Town will vote to increase the current five dollar (\$5.00) Demand Fee charged for each written demand issued by the Collector of Taxes for unpaid and/or delinquent taxes of any type, to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter Sixty (60), Section Fifteen (15), or take any action relating thereto.

(Inserted at the request of the Treasurer & Collector of Taxes)

ARTICLE 16**BYLAW AMENDMENT/PUBLIC CONSUMPTION OF MARIHUANA OR TETRAHYDROCANNABINOL**

To see if the Town will vote to amend Title VI, Public Areas, of the Bylaws, as authorized by Chapter 94C, Section 32L, of the Massachusetts General Laws, to prohibit the consumption or use of marihuana or tetrahydrocannabinol in public within the Town, to determine penalties for violations thereof, or take any action related thereto.

(Inserted at the request of the Town Manager, Police Chief, and Director of Health and Human Services)

ARTICLE 17**BYLAW AMENDMENT/RABIES VACCINATION CLINIC**

To see if the Town will vote to amend Article 3 (“Public Health Regulations”) of Title VIII of the Bylaws to delete Section 5 (“Rabies Vaccination Clinic”), or take any action related thereto.

(Inserted at the request of the Director of Health and Human Services)

ARTICLE 18**BYLAW AMENDMENT/ANIMAL CONTROL**

To see if the Town will vote to amend Section 8 (“Animal Control”), of Article 1 (“Use of Areas Under Control of Park Department”) of Title IV (“Public Areas”) and/or Article 2 (“Canine Control”) of Title VIII (“Public Health and Safety”) of the Bylaws so as to allow dogs to be off leash at certain times and in certain places, determine penalties for violation thereof, or take any action thereto.

(Inserted at the request of the Green Dog Committee/Park and Recreation Department)

ARTICLE 19**BYLAW AMENDMENT/CANINE CONTROL**

To see if the Town will vote to amend Article 2, Canine Control, of Title VIII, Public Health and Safety, of the Bylaws so as to allow dogs off leash under certain conditions, determine penalties for violation thereof, or take any action related thereto.

(Inserted at the request of Susan Doctrow and 10 registered voters)

ARTICLE 20**BYLAW AMENDMENT/OFF LEASH DOGS AT ROBBINS FARM PARK**

To see if the Town will vote to amend Section 8, Animal Control, of Article 1 of Title IV, and/or Article 2, Canine Control, of Title VIII of the Bylaws to provide that, notwithstanding any other provision of the Bylaws as they may from time to time be amended, unleashed dogs shall not be

allowed at Robbins Farm Park, determine penalties for violation thereof, or take any action related thereto.

(Inserted at the request of Charles Bryant and 10 registered voters)

ARTICLE 21

BYLAW AMENDMENT/GATED DOG PARKS

To see if the Town will vote to amend Section 8, Animal Control, Article 1 of Title IV, and/or Article 2, Canine Control, of Title VIII of the Bylaws to provide that, notwithstanding any other provision of the Bylaws as they may from time to time be amended, unleashed dogs shall not be allowed on any unfenced area of land within Town limits to which the public has access, determine penalties for violation thereof, or take any action related thereto.

(Inserted at the request of the Commission on Disability)

ARTICLE 22

BYLAW AMENDMENT/LOCATIONS FOR UNFENCED OFF LEASH DOG AREAS

To see if the Town will vote to amend Section 8, Animal Control, of Article 1 of Title IV, and/or Article 2, Canine Control, of title VIII of the Bylaws to provide that, notwithstanding any other provision of the Bylaws as they may from time to time be amended, unleashed dogs shall not be allowed on any unfenced area of land within Town limits to which the public has access within fifty (50) yards of a playground and/or within ten (10) yards of a residential property line, determine penalties for violation thereof, or take any action related thereto.

(Inserted at the request of Mustafa Varaglu and 10 registered voters)

ARTICLE 23

BYLAW AMENDMENT/INCREASE DOG LICENSING FEES

To see if the Town will vote (1) to amend Title IX, Article 3, Town Fees and Charges, Section 2(U), Dog Licenses, of the Bylaws to raise the license fees therein from \$10 to \$20 for spayed females and neutered males and from \$15 to \$30 for unsplayed females and unneutered males; (2) to amend Title VIII, Article 2, Dogs, Section 4, Licensing, of the Bylaws to impose a fine for violation of \$50 after 45 days in violation, and an additional fine of \$50 after 90 days in violation of Section 4; and/or (3) to request the Finance Committee to apply revenue attributable to these Bylaw changes to fund existing or increased animal-control efforts, or take any action related thereto.

(Inserted at the request of David O'Rourke and 10 registered voters)

ARTICLE 24

BYLAW AMENDMENT/EXCAVATION AND TRENCH SAFETY

To see if the Town will vote to amend Article 8 ("Trench Safety") of Title VI of the Bylaws at the recommendation of the Attorney General to improve clarity and reduce the potential for confusion, or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 25

HOME RULE LEGISLATION/SUBDIVISION CONTROL

To see if the Town will vote to authorize and request the Board of Selectmen to file a Home Rule Petition with the General Court to replace the current 1897 Board of Survey law with legislation to make the Arlington Redevelopment Board the Board of Survey and to vest the board with authority to approve or disapprove proposed subdivisions on the basis of issues relating to roadways, utilities, emergency services, congestion, drainage, environmental impact, local planning and the like, or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 26 LOCAL APPROVAL FOR PLACING OF LIENS ON CERTAIN PROPERTIES IN THE TOWN OF ARLINGTON

To see if the Town will vote to authorize the placement of so-called “municipal charges liens” on real property located within the Town for failure to pay specified fees or charges owed the Town, or take any action related thereto.

(Inserted at the request of the Town Treasurer)

ARTICLE 27 HOME RULE LEGISLATION/AFTER SCHOOL SCHOLARSHIP FUND

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation that would establish a new endowment fund to be modeled after, but maintained separately from, the Dollars for Scholars fund. The purpose of said new endowment shall be to provide scholarship money for after-school activities for Arlington Public School students, as defined by the School Department; said endowment to be managed by the Town Treasurer, and distributed by the School Department. The Treasurer shall report the status of this fund annually to the Town Meeting. Funding for said new endowment to be raised through the tax check off program included in the mailings of the quarterly property tax and excise tax bills, or take any action related thereto.

(Inserted at the request of the Vision 2020 Standing Committee)

ARTICLE 28 HOME RULE LEGISLATION/RAISE MAXIMUM ALLOWABLE AGE OF POLICE AND FIRE CANDIDATES FOR APPOINTMENT

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation in the General Court to establish that, notwithstanding any general or special law to the contrary, no person shall be eligible to have his or her name certified for original appointment to the position of firefighter or police officer in the Town of Arlington if such person has reached his or her thirty-sixth birthday, or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 29 HOME RULE LEGISLATION/CIVIL SERVICE AGE LIMITS FOR POLICE AND FIRE

To see if the Town will vote to request the Board of Selectmen to file Home Rule Legislation to eliminate the upper age requirements for the positions of police officer and fire fighter notwithstanding the provisions of Chapter 31 of the M.G.L., or take any action related thereto.

(Inserted at the request of Paolo Marinelli and 10 registered voters)

ARTICLE 30 TRANSFER OF PROPERTY/REED’S BROOK/MCCLENNEN PARK

To see if the Town will vote to transfer that property described in Article 85 of the 1992 Annual Town Meeting and known as Reed’s Brook/McClennen Park from the jurisdiction of the Redevelopment Board to the jurisdiction of the Town Manager; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 31 HOME RULE LEGISLATION/BARBARA GOODMAN

To see if the Town will vote to request and authorize the Board of Selectmen to file a Home Rule Petition with the General Court to permit Barbara Goodman, 31 Walnut Street, Arlington, MA to purchase creditable service toward retirement for her time spent as a member of the Arlington

School Committee as if she had received compensation for that service, or take any action related thereto.

(Inserted at the request of Barbara Goodman and 10 registered voters)

ARTICLE 32 ESTABLISH ADVISORY COMMITTEE/REORGANIZATION OF TOWN GOVERNMENT

To see if the Town will vote to appoint a committee designated as ‘THE TOWN GOVERNMENT REORGANIZATION COMMITTEE OF 2009’; said committee to be charged with the responsibility, consistent with the Town Manager Act and all other applicable laws, of making recommendations to the 2010 Annual Town Meeting for implementation in the 2011 fiscal year of advisable reorganizations, consolidations and/or abolition of town/school departments, boards, committees or offices or their duties or functions, consistent with promoting the fiscal well-being of the Town; and to petition the General Court for enabling legislation if necessary and amend the Bylaws if appropriate to accomplish same; the committee shall be charged with the performance of their duties after consultation with the Town’s independent auditing firm; the membership of the committee shall include the following: the Town Manager or his designee; the Superintendent of Schools or her designee; a member or the Finance Committee as designated by its Chairman; a member of the Board of Selectmen as designated by its Chairman; a member of the School Committee as designated by its Chairman; one (1) Town Meeting Member as designated by the Town Moderator; the Town Treasurer; the Town Comptroller; and the author of this Article; the names of all committee appointees shall be forwarded to the Selectmen’s Office by the authorized officials NO LATER THAN thirty (30) days from the date of adjournment of the 2009 Annual Town Meeting; the Selectmen committee member shall act as Temporary Chair with the responsibility of scheduling the date, time and location of the organizational meeting of said committee and shall designate a qualified person to serve as secretary to the committee; the committee shall be prepared to submit its preliminary report to the Board of Selectmen, School Committee and Finance Committee on or before March 1, 2010; determine how the money to operate the committee shall be raised or expended; or take any action related thereto.

(Inserted at the request of John Bilafer and 10 registered voters)

ARTICLE 33 ESTABLISH PAY AS YOU THROW TRASH COLLECTION SYSTEM

To see if the Town will vote to implement a pay as you throw (PAYT) trash collection system, making all necessary changes to its Bylaws and filing any home rule petitions as may be required for the implementation of said PAYT trash collection system; or take any action related thereto.

(Inserted at the request of Gordon Jamieson and 10 registered voters)

ARTICLE 34 **REVOLVING FUNDS**

To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 35 **TRANSFER FUNDS/200TH ANNIVERSARY COMMITTEE**

To see if the Town will vote to transfer \$1500.00 from the 200th Anniversary Committee Account (#2600), to the Town Celebrations Account (#426), to be used for supporting future festivities that

commemorate local or national celebrations and to transfer \$1500.00 from the 200th Anniversary Committee Account (#2600), to establish a Robbins Library Local History Trust Fund to be used for supporting research, publication and promotion of the history of the Town of Arlington and that the remaining balance of the 200th Anniversary Account #2600 revert back to the general funds of the Town at the close of the fiscal year or take any action related thereto.

(Inserted at the request of the 200th Anniversary Committee)

ARTICLE 36

ENDORSEMENT OF CDBG APPLICATION

To see if the Town will vote to endorse the application for Federal Fiscal Year 2010 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

ARTICLE 37

COLLECTIVE BARGAINING

To see if the Town will vote to fund any fiscal items in the event that any are contained in collective bargaining agreements between the Town and the following named collective bargaining units, and to fund for non-union, M Schedule, and elected officials' salaries or fringe benefits, determine how the money shall be raised and expended; or take any action related thereto:

- A. Local 680, American Federation of State, County and Municipal Employees;
- B. Service Employees International Union (formerly NAGE);
- C. Robbins Library Professional Association;
- D. Local 1297, International Association of Firefighters;
- E. Arlington Patrolmen's Association;
- F. Arlington Ranking Police Officers' Association;
- G. M Schedule and non union employees; and
- H. Full-time elected officials.

(Inserted at the request of the Town Manager)

ARTICLE 38

FUNDING FUTURE COLLECTIVE BARGAINING

To see if the Town will vote to establish a reserve for funding future collective bargaining agreements, to appropriate a sum of money for same, determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 39

SALARY ADJUSTMENT/ELECTED OFFICIALS

To see if the Town will vote to grant a general salary increase to the elected Town Clerk, and the elected Town Treasurer and Collector of Taxes/Custodian of Funds, or take any action related thereto.

(Inserted at the request of the Town Clerk and Town Treasurer)

ARTICLE 40

POSITIONS RECLASSIFICATION

To see if the Town will vote to make additions, deletions and/or modifications to the Classification and Pay Plan, appropriate a sum of money to fund same if necessary, determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request of the Town Manager and the Director of Personnel)

ARTICLE 41**APPROPRIATION/TOWN BUDGETS**

To see if the Town will vote to make appropriations to defray Town obligations, liabilities, outlay and expenses and especially for or relating to all or any of the boards, departments, purposes and matters hereinafter mentioned, and to provide for the disposal of motor vehicles and other personal property belonging to the Town, determine how the money shall be raised and expended; or take any action related thereto:

Finance Committee, Board of Selectmen, Town Manager, Personnel, Comptroller, Data Processing, Town Treasurer and Collector of Taxes, Assessors, Legal and Worker's Compensation, Town Clerk, Registrars, Planning and Community Development, Redevelopment Board, Parking, Zoning Board of Appeals, Public Works, Cemeteries, Community Safety, School Department, Libraries, Human Services, Insurance, Non-Contributory Pensions, Contributory Pensions, Town Debt and Interest, Reserve Fund, and/or any other Town Departments, Boards, Commissions or Committees, Water and Sewer Enterprise Fund, Recreation Enterprise Fund, Council on Aging Transportation Enterprise Fund, Veterans' Memorial Rink Enterprise Fund, and Youth Services Enterprise Fund.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

ARTICLE 42**CAPITAL BUDGET**

To see if the Town will vote to appropriate a sum of money to defray the expense of purchasing, leasing, or bonding of capital equipment, infrastructure, buildings or other projects of the Town or to acquire real property for municipal purposes; to appropriate a sum of money to fund previously incurred or future Town debt, to acquire land for said projects where necessary by purchase, eminent domain taking or otherwise, determine how the money shall be raised including the possibility of borrowing any or all of the same, or the transfer of funds from any previous appropriation, determine how such money shall be expended; or take any action related thereto.

(Inserted by the Board of Selectmen, and at the request of the Town Manager and the Capital Planning Committee)

ARTICLE 43**RESCIND BORROWING AUTHORIZATIONS
FROM PRIOR YEARS**

To see if the Town will vote to rescind the authority to borrow, from prior years' authorizations, the amounts remaining with regard to any numbered prior Annual and/or Special Town Meeting Warrant Articles, or take any action relating thereto.

(Inserted at the request of the Town Treasurer)

ARTICLE 44**APPROPRIATION/MINUTEMAN REGIONAL
VOCATIONAL TECHNICAL HIGH SCHOOL**

To see if the Town will vote to appropriate a sum of money for the purpose of paying the Town's apportioned share of the operating and maintenance costs, including capital costs, of the Minuteman Regional Vocational Technical High School, determine how the money shall be raised and expended; or take any action related thereto.

(Inserted at the request of Minuteman Regional Vocational School District Committee)

To see if the Town will vote to approve the establishment of a stabilization fund by the Minuteman Regional Vocational Technical School District, beginning July 1, 2009, under MGL Chapter 71, Section 16G1/2, or take any other action relative thereto.

ARTICLE 46 **APPROPRIATION/TOWN CELEBRATIONS, ETC.**

To see if the Town will vote to appropriate a sum or sums of money to be expended under the direction of the Town Manager for the following celebrations and memorials, determine how the money shall be raised and expended; or take any action related thereto:

Placing of American Flags on the Graves of Veterans

ARTICLE 47 APPROPRIATION/COMMITTEES AND COMMISSIONS

To see if the Town will vote to appropriate a sum or sums of money to be expended under the direction of various committees, commissions, and boards of the Town, determine how the money shall be raised; provided that any funds appropriated hereunder shall remain under the jurisdiction of said entities until expended at their direction, unless otherwise appropriated by the Town Meeting; the entities included hereunder, without limitation, are: Arlington Historical Commission, Arlington Recycling Committee, Avon Place Historic District Commission, Broadway Historic District Commission, Central Street Historic District Commission, Mt. Gilboa/Crescent Hill Historic District Commission, Jason/Gray Historic District Commission, Pleasant Street Historic District Commission, Russell Historic District Commission, Conservation Commission, Capital Planning Committee, Commission on Disability, Personnel Board, Public Memorial Committee, Human Rights Commission, and any other Town committee or commission; or take any action related thereto.

(Inserted at the request of the Town Moderator and the Finance Committee)

To see if the Town will vote the following:

Legal Defense – To appropriate a sum of money to replenish the Legal Defense Fund established under Article 13, Section 5 of Title I of the Town Bylaws, Out-Of-State Travel – To appropriate a sum of money for expenses incurred outside the Commonwealth and as described in the General Laws, Chapter 40, Section 5, Paragraph 34, said appropriation to be expended under the direction of the Board of Selectmen and the Town Manager, Indemnification of Medical Costs, to appropriate a sum of money in accordance with the provisions of Chapter 41, Section 100B of the General Laws, to indemnify certain retired Police Officers and Firefighters for all reasonable medical and surgical expenses which they incurred, determine how the money will be raised and expended; or take any action related thereto.

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ARTICLE 49**APPROPRIATION/FINANCING OF CONSTRUCTION OR
RECONSTRUCTION OF SEWERS AND SEWERAGE FACILITIES**

To see if the Town will vote to appropriate a sum of money for the purpose of financing the construction or reconstruction of sewers and sewerage facilities for inflow/infiltration reduction or system rehabilitation, including costs incidental and related thereto, and to determine how the appropriation shall be raised or expended, including the possibility of borrowing all or some of same; or take any action related thereto.

(Inserted at the request of the Town Manager and the Director of Public Works)

ARTICLE 50**APPROPRIATION/FINANCING OF CONSTRUCTION OR
RECONSTRUCTION OF WATER MAINS AND WATER
FACILITIES**

To see if the Town will vote to appropriate a sum of money for the purpose of financing the construction or reconstruction of water mains and water facilities, including costs incidental and related thereto, and to determine how the appropriation shall be raised and expended including the possibility of borrowing all or some of same; or take any action related thereto.

(Inserted at the request of the Town Manager and the Director of Public Works)

ARTICLE 51**APPROPRIATION/PENSION ADJUSTMENT FOR FORMER
TWENTY-FIVE YEAR/ACCIDENTAL/DISABILITY
EMPLOYEE**

To see if the Town will vote to appropriate a sum of money to implement the provisions of Chapter 32 of the Massachusetts General Laws Sections 90A, 90C, 90D and 90E, pursuant to which the Town pays up to fifty percent of the maximum salary as set forth in the Compensation and Pay Plan for the position formerly held by retired employees with twenty-five or more years of service to the Town and those employees who retired under an Accidental Disability; this adjustment to be paid to those who qualify, and administered in accordance with prior practice and understanding relating to the retirement allowance of said retirees; determine how the money shall be raised and expended; or take any action related thereto.

(Inserted at the request of the Contributory Retirement Board)

ARTICLE 52**LOCAL OPTION TAXES**

To see if the Town will vote to accept any local option taxes after legislation or other revenue raising options, which are made available to cities and towns through enactments of the legislature, by state regulation or court action, or take any action related thereto.

(Inserted at the request of the Finance Committee)

ARTICLE 53**APPROPRIATION/IMPROVEMENTS/MEAD ROAD**

To see if the Town will vote to appropriate a sum of money for the purpose of financing: 1) the restoration of contour and grade to effect proper surface storm runoff through the interchange of lower Mead Road and Pine Street; 2) the replacement of 50 year old storm basin cover gratings, upgrading to current standards, similar to those prevalent throughout the Town; and, restoration, to proper elevation, degraded basin cover settings; 3) the modeling, analysis and evaluation of storm drain system performance with respect to collection sites, capacity, and the negative buildup of flow resistance in system's connecting conduits, resulting in storm drain reversals (drains becoming surface sources of water flow); and 4) the addition of strategically placed signage, to promote awareness of children, whom frequently congregate within proximity of the interchange, and to ensure street safety; and the addition of signage delineating parking setbacks at the

intersection, to facilitate access for fire trucks and other emergency/safety vehicles, or take any action related thereto.

(Inserted at the request of Jay Weinberger and 10 registered voters)

ARTICLE 54

APPROPRIATION/COMMISSION ON DISABILITY

To see if the Town will vote to or take any action related thereto to appropriate a sum of \$10,000 to support the Commission on Disability in its ability to address access issues in the Town and advise the Town accordingly, or take any action related thereto.

(Inserted at the request of the Commission on Disability)

ARTICLE 55

APPROPRIATION/HARRY BARBER COMMUNITY SERVICE PROGRAM

To see if the Town will vote to appropriate a sum of money to continue the Harry Barber Community Service Program, determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request of the Council on Aging)

ARTICLE 56

APPROPRIATION/MINUTEMAN SENIOR SERVICES

To see if the Town will vote to appropriate a sum of money to defray the Town's share of Minuteman Senior Services, determine how the money will be raised and expended, or take any action related thereto.

(Inserted at the request of the Council on Aging)

ARTICLE 57

APPROPRIATION/REVALUATION OF REAL PROPERTY

To see if the Town will vote to appropriate a sum of money to fund a revaluation of the real property in the Town, determine how the money should be raised or expended; or take any action related thereto.

(Inserted at the request of the Board of Assessors)

ARTICLE 58

APPROPRIATION/FUND TAX EXEMPTIONS

To see if the Town will vote to apply the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 so as to permit additional real estate tax exemptions of 10% for qualifying persons who file for property tax exemptions under Section 5 of Chapter 59 of the Massachusetts General Laws, appropriate a sum of money to fund same, determine how the money will be raised and expended, or take any action related thereto.

(Inserted at the request of the Board of Assessors)

ARTICLE 59

APPROPRIATION/ARLINGTON'S WATER BODIES FUND

To see if the Town will appropriate a sum of money to the Town's Water Bodies Fund for the maintenance, treatment and oversight of the Town's water bodies, said sum to be raised by the general tax and expended under the direction of the Town Manager, or take any action related thereto.

(Inserted at the request of the Vision 2020 Standing Committee, its Environment Task Group's Spy Pond Committee, and the Conservation Commission)

ARTICLE 60

**APPROPRIATION/SPECIAL EDUCATION
RESERVE ACCOUNT**

To see if the Town will vote to transfer FY08 unspent special-education funds to the Special Education Reserve Account (No. 0751), or take any action related thereto.

(Inserted at the request of the Superintendent of Schools)

ARTICLE 61

**APPROPRIATION/OTHER POST EMPLOYMENT
BENEFITS(OPEB)TRUST FUND**

To see if the Town will vote to accept into the Other Post Employment Benefits (OPEB) Trust Fund, established by Chapter 161 of the Acts of 2005, an appropriation of funds and/or the transfer of additional monies that the Town may deem advisable from other sources, including any monies previously deposited into any of the Town's stabilization funds for this purpose in order to administer and fund its OPEB obligation as described in said Chapter 161 of the Acts of 2005; determine how the monies shall be raised and expended; or take any action related thereto.

(Inserted at the request of the Contributory Retirement Board)

ARTICLE 62

APPROPRIATION/TIP FEE STABILIZATION FUND

To see if the Town will vote to make an appropriation/transfer from the Tip Fee Stabilization Fund established by Chapter 8 of the Acts of 1998 for any purpose allowed by such act, to determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request of the Finance Committee)

ARTICLE 63

TRANSFER OF FUNDS/CEMETERY

To see if the Town will vote to transfer a sum of money to the Cemetery Commissioners for the improvement of Town cemeteries, said sum shall be taken from the Mt. Pleasant Cemetery "Sale of Lots and Graves or Perpetual Care Funds"; or take any action related thereto.

(Inserted at the request of the Finance Committee)

ARTICLE 64

APPROPRIATION/OVERLAY RESERVE

To see if the Town will vote to appropriate a sum of money from previous years overlay reserve surplus accounts, determine to what purpose this appropriation shall be made; or take any action related thereto.

(Inserted at the request of the Finance Committee)

ARTICLE 65

APPROPRIATION/STABILIZATION FUND

To see if the Town will make an appropriation to or from the Fiscal Stability Stabilization Fund created under Article 65 of the 2005 Annual Town Meeting in accordance with the provisions of the General Laws, Chapter 40, Section 5B, as amended, or other appropriate provisions of law, determine how the money shall be raised and expended; or take any action related thereto.

(Inserted at the request of the Finance Committee)

ARTICLE 66

USE OF FREE CASH

To see if the Town will vote to authorize the taking of a sum of money voted for appropriations heretofore made at the Town Meeting under the Warrant and not voted to be borrowed from available funds in the Treasury, and authorize the Assessors to use free cash in the Treasury to that amount in the determination of the tax rate for the Fiscal Year beginning July 1, 2009; or take any action related thereto.

(Inserted at the request of the Finance Committee)

ARTICLE 67

RESOLUTION/SUPPORTING RETURN OF NATIONAL GUARD TO MASSACHUSETTS

To see if the Town will vote to adopt the following:

WHEREAS, Under the U.S. Constitution, each state's National Guard unit is controlled by the Governor, but can be called up for federal duty by the President, provided that the President is acting pursuant to the Constitution and laws of the United States; and

WHEREAS, The War Powers Act of 1973 (Public Law 93-148) specifically limits the power of the President of the United States to wage war without the approval of Congress; and

WHEREAS, In October 2002, the U.S. Congress adopted the Authorization for Use of Military Force Against Iraq (Public Law No. 107-243) (AUMF), a law enacted in response to a presidential request consistent with the War Powers Act; and

WHEREAS, The Iraq AUMF stated in relevant part that the President was authorized to use the armed forces of United States in order to (1) defend the national security of the United States against the continuing threat posed by Iraq and (2) enforce all relevant United Nations Security Council Resolutions regarding Iraq; and

WHEREAS, U.S forces, including members of the Massachusetts National Guard and guard members from other states, have long since addressed the purposes recited under the AUMF, to wit, Iraq does not pose a continuing threat to the national security of the United States, and there are no relevant United Nations Security Council Resolutions regarding Iraq yet to be enforced; and

WHEREAS, the Iraq AUMF has therefore expired by its own terms, and other than the AUMF, there is no authority under the Constitution or the laws of the United States for the continued presence of Massachusetts National Guard members in Iraq; and

WHEREAS, the Afghanistan AUMF of September 2001 (Public Law No. 107-40) is overly broad and could be construed to allow the President to call up the Massachusetts National Guard to go indefinitely to Iraq, Afghanistan or any other country deemed part of the "war on terror;" and

WHEREAS, the Massachusetts National Guard is needed in Massachusetts to help with storms, floods, and other emergencies; and

WHEREAS, The maintenance of Massachusetts National Guard members in Iraq beyond the time and scope set for the in the AUMF has resulted in significant harm to Guard members and their families, including death and injury, loss of time together, and financial hardships; and

WHEREAS, A bill has been introduced in the Massachusetts Legislature by State Representative Sean Garballey to ask the Governor to withhold deployment of the National Guard where an authorization for military force has by its terms expired and is no longer valid, and also to request the return of deployed National Guard;

Be it therefore resolved that the Arlington Town Meeting endorses and supports efforts, including this bill, to return home units of the Massachusetts National Guard already deployed in Iraq and Afghanistan, and to prevent the future deployments of the Guard to Iraq and Afghanistan; or take any action related thereto.

(Inserted at the request of Richard Smith and 10 registered voters)

ARTICLE 68

**RESOLUTION SUPPORT LEGISLATIVE MUNICIPALLY
SPONSORED AUTOMOBILE INSURANCE PROGRAM**

To see if the Town will vote to direct the Town's representatives in the General Court to support a bill submitted to the State Legislature on January 14, 2009, titled

An act establishing a task force in the Attorney General Office to study establishing municipally-sponsored automobile insurance programs, which states,

"Section 1. The Office of the Attorney General shall convene a task force to assess the potential costs and benefits of municipally sponsored auto insurance programs, and draft standards and regulations by which such insurance programs shall operate. Regulations shall include establishing a State-run umbrella network under which the municipal auto insurance programs shall be joined, for reinsurance purposes and cost leveling among low risk and high risk localities. This study shall include assessing potential revenue which Towns and Cities could derive from local auto insurance programs, such revenue to pay for services required for safe automobile traffic: street maintenance, traffic lights, police services, and snow plowing," or take any action related thereto.

(Inserted at the request of Andrew Fischer and 10 registered voters)

ARTICLE 69

INSTRUCTION TO BOARD OF SELECTMEN

To see if the Town will vote to direct the Board of Selectmen to comply with Article 10 of the Arlington Zoning Bylaw regarding the appointment of a registered architect or a registered professional engineer as a member of the Zoning Board of Appeals, or take any action related thereto.

(Inserted at the request of Christopher P. Loreti and 10 registered voters)

.... (SIGNED)

.... A true copy.

.... Attest:

....

....

....

(SIGNED)

CLARISSA ROWE

JOHN W. HURD

KEVIN F. GREELEY

DIANE M. MAHON

ANNIE LACOURT

SELECTMEN

OF THE

TOWN

OF

ARLINGTON

.... RICHARD BOYLE

.... CONSTABLE

**Warrant For
SPECIAL TOWN MEETING**

Monday, April 27, 2009

**TOWN WARRANT
COMMONWEALTH OF
MASSACHUSETTS**

Middlesex, ss.

To the Constables of the Town of Arlington, in said County:

GREETINGS

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Arlington to meet in the

**TOWN HALL
in said Town on
MONDAY, THE 27TH DAY OF APRIL, 2009**

at 8:30 P.M., at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members, in accordance with, and subject to, the referenda provided by Chapter 43A of the General Laws.

ARTICLE 1

REPORTS OF BOARDS AND COMMITTEES

To receive, hear and act upon the reports of boards and committees, or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 2

RESOLUTION- SISTER CITY ANNIVERSARY

To see if the Town will vote to adopt a resolution recognizing the 25th Anniversary of the Town of Arlington's Sister City relationship with the City of Nagaokakya, Japan, or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 3

TRANSFER FUNDS/200TH ANNIVERSARY COMMITTEE

To see if the Town will vote to transfer \$1,500 from the 200th Anniversary Committee Account (#2600) to establish a Robbins Library Local History Trust Fund to be used for supporting research, publication and promotion of the history of the Town of Arlington and that the remaining balance of the 200th Anniversary Account (#2600) be transferred to a celebrations account to be used for celebration activities related to the 25th Anniversary of the Town's Sister City relationship with the City of Nagaokakya, Japan, or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 4**AMENDMENTS TO FY2009 BUDGETS**

To see if the Town will vote to appropriate and or transfer funds between various FY2009 appropriations and various stabilization funds, as previously voted by the 2008 Annual Town Meeting, or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 5**APPROPRIATION/WHITTEMORE-ROBBINS HOUSE REPAIR**

To see if the Town will vote to appropriate a sum of money from the Municipal Building Insurance Fund for the cost of emergency repairs to the Whittemore-Robbins House, or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 6**CAPITAL BUDGET/FIRE STATIONS**

To see if the Town will vote to appropriate a sum of money for remodeling, reconstructing or making extraordinary repairs to the Central Fire Station and/or Highland Fire Station, including design, original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair and determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing, or take any action related thereto.

(Inserted at the request of the Permanent Town Building Committee)

ARTICLE 7**CAPITAL BUDGET- SCHOOL/MUNICIPAL BUILDINGS**

To see if the Town will vote to appropriate a sum of money for remodeling, reconstructing or making extraordinary repairs to public buildings owned by the town, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair and determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing, or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 8**HOME RULE LEGISLATION/SUBDIVISION CONTROL**

To see if the Town will vote to authorize and request the Board of Selectmen to file a Home Rule Petition with the General Court to replace the current 1897 Board of Survey law with legislation to make the Arlington Redevelopment Board the Board of Survey and to vest the board with authority to approve or disapprove proposed subdivisions on the basis of issues relating to roadways, utilities, emergency services, congestion, drainage, environmental impact, local planning and the like, or take any action related thereto.

(Inserted by the Board of Selectmen)

Hereof, fail not, and make due return of the Warrant, with your doings thereon, to the Town Clerk, on or before said day and hour of meeting.

(SIGNED)
A true copy.
Attest:

RICHARD BOYLE
CONSTABLE

(SIGNED)
CLARISSA ROWE
JOHN W. HURD
KEVIN F. GREELEY
DIANE M. MAHON
ANNIE LACOURT

SELECTMEN
OF THE
TOWN
OF
ARLINGTON

HOW TO VOTE BY ABSENTEE BALLOT

Reasons for voting absentee

You may vote absentee if you are registered and will be unable to vote at the polls on Election Day because of

Absence from the Town
Physical disability
Religious beliefs

Illegal absentee voting is punishable by a fine of up to \$10,000 and up to five years in prison.

Applying for an absentee ballot

You must apply for an absentee ballot from the Town Clerk no later than noon of the day before the election. Applications may be mailed or hand delivered and you may use any form of written communication (letter or postcard) or the official application form.

Include on the application

Your name as registered
Your registration address
Precinct, if you know it
The precise address to which you wish the ballot sent
Your own signature

Requesting to vote by mail

A ballot will be sent to any address you specify including your own home. Be sure to apply early because the ballots must be sent by mail and may be returned by mail or hand delivered.

Requesting to vote in person

If you prefer, you may request to vote in person before Election Day. You may vote at the Town Hall before Election Day at a time arranged with the Clerk, but application for your ballot must be made no later than noon of the day before the election. A voter may apply for an absentee ballot and then vote over-the-counter during the same visit.

Applying to vote if you are absent from the state, in the armed services or a prisoner

Registered and unregistered residents of Massachusetts outside the state and residents on active duty in the armed forces and merchant marine and their spouses or dependents, and prisoners, may vote absentee. They may request an absentee ballot from the Town where they legally reside (if outside the U.S., where they resided last before leaving). In addition, a close relative may apply on their behalf in person at the Town Clerk's Office.

A parent of a registered voter who is a student at a Massachusetts college or university may apply for an absentee ballot on the student's behalf to the Town Clerk where the student is registered.

In all cases, unregistered voters must register in person when they return to the state, since this does not establish permanent registration.

What if I am permanently physically disabled?

If you are permanently physically disabled and cannot cast your vote at the polling place, you may file a letter from your physician with the Town Clerk, stating that you are permanently unable to cast your vote at the polling place because of physical disability. A completed application for an absentee ballot, for you to sign and return, must be mailed by the Town Clerk to you at least 28 days before every primary and election.

NOTE: Voters who are admitted to a health care facility after noon of the fifth day before an election may apply for an absentee ballot up until the polls close on the day of the election (rather than noon the day before the election) and must designate a person to hand deliver and return the absentee ballot.